

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. The foregoing amendments are responsive to the August 24, 2006 Final Office Action. Applicants respectfully request entry of the requested amendments and reconsideration of the application in view of the following comments.

Response to Claim Objections

Claim 21 is objected to due to informalities. Claim 21 is amended herein to correct any outstanding informalities.

Response to the Claim Rejections Under 35 U.S.C §§ 102 and 103

Claims 1-21 and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,925,570 issued to Freeman, et al. The rejection asserts that Freeman allegedly teaches each element of the claims. Claims 22, 23, 25, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman in view of U.S. Patent Publication No. 2004/0210764 A1 to McGrath, et al. The rejection asserts that Freeman allegedly teaches each element of the claims except for portioning memory, which is allegedly taught by McGrath.

The claims are directed toward enabling operating modes of a device so the device operates in only a privileged mode or in both the privileged mode and a non-privileged mode. The concept of operating in these modes is described in the specification in paragraph [0003]. There it is stated that programs operating in the privileged mode are allowed to access memory and system resources without limitation. Programs operating in the non privileged mode are restricted from accessing certain memory regions and/or device functions. Thus, in order to have a device operating in both modes according to the present claims, some programs would have to

have unlimited access to memory and system resources, while other applications are restricted from accessing certain memory regions and/or device functions.

None of the cited art teaches or suggests a system or method which allows for dual mode operation. The Office Action asserts that Freeman teaches dual mode operation as shown in Figure 2, block 209 because both instructions and ICE commands are executed. However, allowing execution of two different types of instructions or commands does not equal the claim language of operating in both a privileged mode and a non-privileged mode. As stated in Freeman, the S-latch setting only determines if the computer will accept commands from the ICE unit (column 3, lines 39-43). Thus, if the S-latch is not set to secure mode, the computer may run instructions from both application and the ICE units. However, all of these commands are treated equally, and there is no suggestion in Freeman that all instructions and ICE commands will have anything but unlimited access to memory and system resources. Thus, both the instructions and ICE commands are running in privileged mode. Freeman never teaches or suggests operation in a non-privileged mode where applications are allowed to function, but have restrictions on accessing memory regions or device functions. Thus, Freeman does not teach or suggest enabling both the privileged and the non-privileged mode of operation at the same time. There is no suggestion as Freeman never hints at allowing multiple applications to operate at the same time having differing privilege levels. Finally, there would be no motivation to combine Freeman with any other reference such as McGrath that may teach a dual-operation mode as Freeman is simply directed to preventing ICE commands altogether in the secure mode, not to limit the use of them in any manner. As Freeman does not suggest any limitation of the allowed instructions, there would be no motivation to combine Freeman with McGrath outside the teachings of the present application.

In view of the foregoing distinctions, Applicants respectfully submit that independent Claims 1, 6, 10, 15, 20 and 24 are patentably distinguished over the cited art. Applicants respectfully submit that Claims 1, 6, 10, 15, 20 and 24 are in condition for allowance, and Applicants respectfully request allowance of Claims 1, 6, 10, 15, 20 and 24.

Claims 2-5, 7-9, 11-14, 16-19, 21-23 and 25-26 depend either directly or indirectly from one of the independent claims. Each dependent claim further defines the independent claim from which it depends. In view of the foregoing remarks regarding Claims 1, 6, 10, 15, 20 and 24, Applicants respectfully submit that Claims 2-5, 7-9, 11-14, 16-19, 21-23 and 25-26 are likewise in condition for allowance. Applicants respectfully request allowance of dependent Claims 2-5, 7-9, 11-14, 16-19, 21-23 and 25-26.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated September 29, 2006

By: /James T. Hagler/
James T. Hagler
Reg. No. 40,631
(858) 651-0266

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502